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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HAWK, NOAH CHANDLER

ART UNIT

PAPER NUMBER

3636

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/758,127

Applicant(s)

AN, JAE KOOG

Examiner

Noah C. Hawk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/26/06 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keil et al. in US Patent 4732432 in view of Frey in US Patent 4702038.

a. Regarding Claims 1-5, Keil et al. discloses a refrigerator (10) comprising a door (18) attached to a body (12) of a non-magnetic substance (see Keil et al., Column 4, lines 1-2 "made of a resinous plastic and includes a front portion 66") and which selectively opens and closes a storage chamber (14), a gasket (90) along an inside surface of the door which maintains airtightness of the storage

chamber, a first magnet (92) in the gasket, a second magnet (41) inside a front of the body to face the first magnet and at least one metallic plate shield member (36', best seen in Figure 4, see Keil et al., column 5, lines 50-51, "front portion 36' of the metal frame") blocking and contacting surfaces of the second magnet not facing the first magnet and blocking the north pole of the magnet (Best seen in Keil et al., Figure 4). Keil fails to teach that the shield member contacts a plurality of surfaces of the second magnet not facing the other magnet. Frey teaches a shield member (12) for use with a magnet (1) in a door seal which contacts a plurality of surfaces (the sides) of the magnet not facing the other magnet (3). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Keil et al, by using a shield member contacting a plurality of non-facing surfaces as taught by Frey in order to securely fix the magnet in place.

b. Regarding Claims 6-11, Keil et al. discloses a refrigerator (10) comprising a body (12), the front of which is a non-magnetic substance (see Keil et al., Column 4, lines 1-2 "made of a resinous plastic and includes a front portion 66") and a door (18) having a gasket (90) along an inside surface and which moves between an open and a closed position relative to the body, first and second magnets (92, 41) within the gasket and a front of the body respectively, and at least one metallic plate shield member (36', see Keil et al., 5, lines 50-51, "front portion 36' of the metal frame") blocking side surfaces (side surfaces of the magnet are considered any of the sides of the magnet) of the second magnet not

facing the first magnet. Keil et al. also discloses a second shield member (90, the gasket is considered in this case to act as a shield member) blocking surfaces of the first magnet. Keil et al. further disclose that the south pole of the first magnet faces the north pole of the second magnet and that the north pole of the first magnet faces the south pole of the second magnet. Keil fails to teach that the shield member contacts side surfaces of the second magnet not facing the other magnet. Frey teaches a shield member (12) for use with a magnet (1) in a door seal which contacts a plurality of surfaces (the sides) of the magnet not facing the other magnet (3). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Keil et al, by using a shield member contacting a plurality of non-facing surfaces as taught by Frey in order to securely fix the magnet in place.

c. Regarding Claims 12-17, Keil et al. discloses a refrigerator (10) comprising a body (12), the front of which is a non-magnetic substance (see Keil et al., Column 4, lines 1-2 "made of a resinous plastic and includes a front portion 66") and a door (18) having a gasket (90) along an inside surface and which moves between an open and a closed position relative to the body, first and second magnets (92, 41) within the gasket and a front of the body respectively, and at least one metallic plate shield member (36', see Keil et al., column 5, lines 50-51, "front portion 36' of the metal frame") blocking lines of magnetic force extending from at least one magnet which are substantially repulsive to the other magnet. Keil et al. also discloses a second shield member (90, the gasket is

considered in this case to act as a shield member) blocking surfaces of the first magnet. Keil et al. further disclose that the south pole of the first magnet faces the north pole of the second magnet and that the north pole of the first magnet faces the south pole of the second magnet. Keil fails to teach that the shield member contacts a plurality of surfaces of the second magnet not facing the other magnet. Frey teaches a shield member (12) for use with a magnet (1) in a door seal which contacts a plurality of surfaces (the sides) of the magnet not facing the other magnet (3). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Keil et al, by using a shield member contacting a plurality of non-facing surfaces as taught by Frey in order to securely fix the magnet in place.

4. Claims 18-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyodo et al. in US Patent 6327867 in view of Keil et al. in US Patent 4732432 and Frey in US Patent 4702038.

d. Regarding Claims 18-23, Hyodo et al. discloses a refrigerator comprising a refrigerator body (101), a storage chamber (102), door (104) and a cooling system (108) but does not disclose details of the closure mechanism including the magnets and a shield member. Keil et al. discloses a refrigerator (10) comprising a body (12), the front of which is a non-magnetic substance (see Keil et al., Column 4, lines 1-2 "made of a resinous plastic and includes a front portion 66") and a door (18) having a gasket (90) along an inside surface and which moves between an open and a closed position relative to the body, first and

second magnets (92, 41) within the gasket and a front of the body respectively, and at least one metallic plate shield member (36', see Keil et al., column 5, lines 50-51, "front portion 36' of the metal frame") blocking side surfaces (side surfaces of the magnet are considered any of the sides of the magnet) of the second magnet not facing the first magnet. Keil et al. also discloses a second shield member (90, the gasket is considered in this case to act as a shield member) blocking surfaces of the first magnet. Keil et al. further disclose that the south pole of the first magnet faces the north pole of the second magnet and that the north pole of the first magnet faces the south pole of the second magnet. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Hyodo et al by using the gasket closure assembly including first and second magnets and a shield member as taught by Keil et al. in order to improve the closure of the refrigerator and increase the efficiency of the device. Hyodo, as modified, fails to teach that the shield member contacts a plurality of surfaces of the second magnet not facing the other magnet. Frey teaches a shield member (12) for use with a magnet (1) in a door seal which contacts a plurality of surfaces (the sides) of the magnet not facing the other magnet (3). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Hyodo, as modified, by using a shield member contacting a plurality of non-facing surfaces as taught by Frey in order to securely fix the magnet in place.

e. Regarding Claims 24-29, Hyodo et al. discloses a refrigerator comprising a refrigerator body (101), a storage chamber (102), door (104) and a cooling system (108) but does not disclose details of the closure mechanism including the magnets and a shield member. Keil et al. discloses a refrigerator (10) comprising a body (12), the front of which is a non-magnetic substance (see Keil et al., Column 4, lines 1-2 "made of a resinous plastic and includes a front portion 66") and a door (18) having a gasket (90) along an inside surface and which moves between an open and a closed position relative to the body, first and second magnets (92, 41) within the gasket and a front of the body respectively, and at least one metallic plate shield member (36', see Keil et al., column 5, lines 50-51, "front portion 36' of the metal frame") in contact with the magnet and blocking lines of magnetic force extending from at least one magnet which are substantially repulsive to the other magnet. Keil et al. also discloses a second shield member (90, the gasket is considered in this case to act as a shield member) blocking surfaces of the first magnet. Keil et al. further disclose that the south pole of the first magnet faces the north pole of the second magnet and that the north pole of the first magnet faces the south pole of the second magnet. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Hyodo et al by using the gasket closure assembly including first and second magnets and a shield member as taught by Keil et al. in order to improve the closure of the refrigerator and increase the efficiency of the device. Hyodo, as modified, fails to teach that the shield member contacts a

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plurality of surfaces of the second magnet not facing the other magnet. Frey teaches a shield member (12) for use with a magnet (1) in a door seal which contacts a plurality of surfaces (the sides) of the magnet not facing the other magnet (3). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Hyodo, as modified, by using a shield member contacting a plurality of non-facing surfaces as taught by Frey in order to securely fix the magnet in place.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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